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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,728	04/13/2004	Michael D. Armbruster	0621.0505C	4583
27896	7590	10/05/2005	EXAMINER	
EDELL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850			TANG, SON M	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/822,728

Applicant(s)

ARMBRUSTER ET AL.

Examiner

Son M. Tang

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **17-19 and 21-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Law [US 5,768,696] in view of Blaustein et al. [US 6,311,837; Blaustein].

**Regarding claims 17-19 and 21-23:** Law discloses an infant monitor receiver comprising:

-a display portion for producing a visual display (54) which corresponding to a monitored sound level and sequentially illuminated the number of lights in response to sound level [see Fig. 5, col. 5, lines 5-13], Law does not specifically disclose a visual display switch for activating the visual display in the absence of a monitored sound level. Since, the purpose of the visual display switch for activating the display in the absence of sound level is a manner of testing the display illumination, when the switch is activated, thus, Blaustein teaches a device 12 which comprises a switch 16 that can be temporarily energized the toothbrush in the manner of testing the product, e.g. (try-me) [see Fig. 1, col. 4, lines 33-41]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to employ a (try-me) switch as suggested by Blaustein into the device of Law, for the benefit of user is being able to test the device prior to purchase or use it.

Art Unit: 2632

**Regarding claims 24-26:** The claimed method steps are interpreted and rejected as rejection stated above.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Law in view of Blaustein et al., and further in view of Suzuki et al. [US 5,949,346; Suzuki].

**Regarding claim 20:** Law and Blaustein disclose all the limitations as described above, except for not specifically teach that the light sources are arranged in a radial pattern. Suzuki teaches a light display device comprises a plurality of elongated light transmitting portions, arranged in a radial pattern and each associated only one of the light sources at its first end [as shown in Figs. 4, 27, 43-44, 47, 51 and 54], wherein the display is displaying light sources corresponding to the level of speed signal. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to have a radial pattern display arrangement as taught by Suzuki into the display of Law, in order to provide more light and easy to view the light intensity level.

4. Claims 1-3 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law [US 5,768,696] in view of Suzuki et al. [US 5,949,346; Suzuki].

**Regarding claims 1-3 and 5-6:** Law discloses a light display apparatus for an infant monitor receiver or transmitter, the light display apparatus comprising:

-a plurality of individual light sources (54) are adapted to be sequentially illuminated in response to an audio signal, which corresponding to a monitored sound level [see Fig. 5, col. 5, lines 5-13], Law does not disclose a plurality of elongated light transmitting portions are

Art Unit: 2632

arranged in a radial pattern, which each of the light including a first end, a second end and being associated with only one of the light sources at its first end. **Suzuki** teaches a light display device comprises a plurality of elongated light transmitting portions, arranged in a radial pattern and each associated only one of the light sources at its first end [as shown in Figs. 4, 27, 43-44, 47, 51 and 54], wherein the display is displaying light sources corresponding to the level of speed signal. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to have a radial pattern display arrangement as taught by Suzuki into the display of Law, in order to provide more light and easy to view the light intensity level.

**Regarding claim 4:** Law and Suzuki disclose all the limitations as described above, Suzuki further teaches the elongated light transmitting portions are curvilinear in shape [as shown in Fig. 43].

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law in view of Suzuki et al., and further in view of Blaustein et al. [US 6,311,837; Blaustein].

**Regarding claim 7:** Law and Suzuki disclose all the limitations as described above, except for not specifically teach a visual display switch for activating the visual display in the absence of an audio signal. Since, the purpose of the visual display switch for activating the display in the absence of an audio signal is a manner of testing the display illumination when the switch is activated, thus, **Blaustein** teaches a device 12 which comprises a switch 16 that can be temporarily energized the toothbrush in the manner of testing the product, e.g. (try-me) [see Fig. 1, col. 4, lines 33-41]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to employ a (try-me) switch as suggested by Blaustein into the device of Law, for the benefit of user is able to test the device prior to purchase.

**Regarding claims 8-9:** Refer to the consideration of claim 1 above.

6. Claims **10-14 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Law in view of Suzuki et al., and further in view of Takase et al. [US 2003/0162558; Takase].

**Regarding claims 10-14 and 16:** Law discloses a light display apparatus for an infant monitor receiver or transmitter which includes an antenna (46) mounted to an external portion of a housing, the light display apparatus comprising:

-at least one light sources (54) are adapted to be sequentially illuminated in response to an audio signal, which corresponding to a monitored sound level [see Fig. 5, col. 5, lines 5-13], Law does not disclose at least one elongated light transmitting portions, which each of the light including a first end, a second end and being associated with only one of the light sources at its first end. **Suzuki** teaches a light display device comprises a plurality of elongated light transmitting portions, arranged in a radial pattern and each associated only one of the light sources at its first end [as shown in Figs. 4, 27, 43-44, 47, 51 and 54], wherein the display is displaying light sources corresponding to the level of speed signal. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to have a radial pattern display arrangement as taught by Suzuki into the display of Law, in order to provide more light and easy to view the light intensity level.

Law and Suzuki are not specifically teach that the elongated light transmitting portion mounted to part of the antenna, **Takase** teaches a wireless communication device comprises a light emitting antenna [see Fig. 1A-1B and ¶ 0012]. It would have been obvious of one having

Art Unit: 2632

ordinary skill in the art at the time of the claimed invention, to mount the light display on the antenna as taught by Takase, for the purpose of fashion reference design.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Law, Suzuki et al., in view of Takase et al. and further in view of Blaustein et al. [US 6,311,837; Blaustein].

**Regarding claim 15:** Law, Suzuki and Takase disclose all the limitations as described above, except for not specifically teach a visual display switch for activating the visual display in the absence of an audio signal. Since, the purpose of the visual display switch for activating the display in the absence of an audio signal is a manner of testing the display illumination when the switch is activated, thus, **Blaustein** teaches a device 12 which comprises a switch 16 that can be temporarily energized the toothbrush in the manner of testing the product, e.g. (try-me) [see Fig. 1, col. 4, lines 33-41]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to employ a (try-me) switch as suggested by Blaustein into the device of the combination above, for the benefit that user is able to test the device prior to purchase.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Speeth et al. [US 3,480,912], Knoedler et al. [US 5,210,532], Cuijpers et al. [US 6,462,664], Fernandez et al. [US 6,135,606] and Landa [US 2003/0231778].

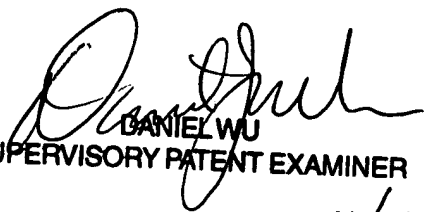
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

Art Unit: 2632

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
10/03/05